

**APPLICATION FOR AN INVESTIGATION**  
**Section 74, The Environmental Bill of Rights,**  
**Chapter 28, Statutes of Ontario, 1993**

**GENERAL INSTRUCTIONS**

1. Please type or print clearly in ink.
2. Please indicate clearly to which section of the application any additional documentation applies.
3. Please ensure that your affidavit is attached and properly affirmed before a commissioner for taking affidavits in Ontario.
4. The application and supporting documentation should be submitted to:

The Environmental Commissioner  
1075 Bay Street, Suite 605  
6th Floor  
Toronto, Ontario M5S 2W5

Phone: (416) 325-3377  
Fax: (416) 325-3370

5. It is suggested that the Applicants retain a copy of the application.
6. Please refer to 'Instructions for Completing an Application' (pages A-1-8) and A-1-9) before you start filling out this application form.

*Vous pouvez obtenir un exemplaire en français du formulaire de demande d'enquête auprès du bureau de la Commissaire à l'environnement.*

**Personal Information**

This form provides the information necessary to request an investigation into whether a prescribed Act, regulation or instrument has been contravened. The Minister will use the information contained on this form to determine whether to conduct an investigation. The Environmental Bill of Rights (EBR) requires two applicants, who are residents of Ontario to request an investigation. The Freedom of Information and Protection of Privacy Act protects the personal information provided by the applicants however applicants' personal information may be disclosed if the investigation results in: an administrative action; a court action; or other legal action. In such a case, one or both of the applicants may be required to provide evidence and their names may be released.

**Other Information**

It is important to include as much supporting information and documentation as possible with your application. Please refer to the Instructions for Completing an Application on the last page and attach all additional information. All the information requested on this form is required by the EBR before an investigation may be initiated.



The EBR also stipulates that each applicant must make a sworn statement that he or she believes that the facts alleged in the application are true.

### APPLICANT'S INFORMATION

#### 1. Applicant Number 1

Surname .....

Given Name(s) .....

Date of Birth .....

Address .....

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City .....

Province .....

Postal code .....

Residence Telephone .....

Business Telephone .....

Driver's License No. ....

-OR-

Other Proof of Ontario Residency .....

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**NOTE:** Where an application is being made on behalf of a corporation, you must provide the proper legal name of the corporation plus a Statutory Declaration by a duly constituted officer stating that the corporation is incorporated under the laws of the Province of Ontario and has its principal place of business in Ontario.

# APPLICANT'S INFORMATION

## 1(a) Applicant Number 2

Surname .....

Given Name(s) .....

Date of Birth .....

Address .....

Apt. No. ....

City .....

Province .....

Postal code .....

Residence Telephone .....

Business Telephone .....

Driver's License No. ....

-OR-

Other Proof of Ontario Residency .....

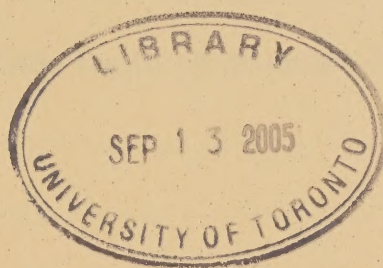
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*by*

ENVIRONMENTAL  
COMMISSIONER OF ONTARIO





**2. Name and Address of Suspected Violator(s) - Company and/or Individuals**  
**(If more than one, attach additional pages - refer to Instructions for Completing an Application at the end of this form)**

Company's/Individual's Name .....

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Address .....

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City .....

Province .....

Postal Code .....

Telephone Number .....

If a company is the suspected violator, are you an employee of that Company?

Applicant No. 1: Yes/No .....

Applicant No. 2: Yes/No .....

**3. Briefly summarize the nature of the alleged offence(s)** .....

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**3. (b) Explain why the alleged offence(s) is serious enough to warrant an investigation.**

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**3. (c) Explain the potential harm to the environment of the alleged contravention.**

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**4. Indicate the name of the Act(s) and if known, the section number of that Act that the suspected violation contravenes:**

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**5. Summarize the evidence supporting the allegation.**

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**5. (a) Describe any document or other material you believe should be considered in the investigation.**

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**5. (b) Attach a copy of any document referred to in 5. (a) where it is reasonable to do so.**

**6. Are there any additional witness(s)? Yes/No .....**

**If yes, list the witness(s), including their names and addresses, and indicate the evidence that the witness(s) can provide.**

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**7. Have you previously contacted any Ministry or the Office of the Environmental Commissioner regarding this alleged contravention? If so please give details.**

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## FOR ENVIRONMENTAL COMMISSIONER'S OFFICE USE ONLY

Date Received: \_\_\_\_\_

Ministry Submitted to: \_\_\_\_\_

Date Submitted to the Ministry: \_\_\_\_\_

Reference Number: \_\_\_\_\_

\_\_\_\_\_

## MINISTRY OFFICE USE ONLY

Date Received: \_\_\_\_\_

Date Acknowledgement letter sent to Applicant: \_\_\_\_\_

Reference Number: \_\_\_\_\_



## INSTRUCTIONS FOR COMPLETING AN APPLICATION FOR INVESTIGATION

(The number on the left side corresponds to the section on the application)

1. Please ensure that you provide all the information requested in this section including your full name and second name (if any).
2. Please ensure that you provide all the information requested in this section. If there is more than one suspected violator, please fill out a separate sheet of paper for each violator with all the information requested in this section. Please reference each additional sheet with this section number.
3. On the application form, provide a summary of the nature of the alleged offence(s). A concise statement of the alleged offence(s) is all that is required for the first part of this section. As an example, the section may read - an illegal discharge into the air or water, operation of equipment without proper approvals, illegal dumping of waste materials, violation of an existing order or approval, etc.

The second part of this section requires that a detailed description of the alleged offence be provided. This is to be done as an attachment to the application. At a minimum, the description must include the following:

- (a) An explanation of what the offence is and what gives you reasonable and probable grounds to believe that an offence against an environmental act listed in the Environmental Bill of Rights has been committed.
  - (b) Details of why you believe that the company(s) and/or individual(s) noted in section 2, are responsible for the offence, such as eye witnesses, instructions by supervisors, etc. You may cross-reference these details with evidence you are providing in section 5.
  - (c) Date and time of offence. If unknown, approximate the date of the offence.
  - (d) Date you first became aware of the incident(s).
  - (e) How you became aware of the incident(s).
  - (f) Any other information that you think is relevant.
4. State the Act and if known, the section number, that the offence is under. Please note that the Act must be prescribed under the Environmental Bill of Rights and Ontario Regulation 73/94. All other applications for requests for investigations will not be considered. **Please see attached list of prescribed Acts.**



5. On the application form, provide a summary of the evidence to the allegation noted in section 3, and list all of the evidence that you have. As an example, the section may read "Photographs were taken of illegal discharges into the Belle Creek, samples were taken of the discharge and there were 3 witnesses that saw the discharge."

The second part of section 5 requires details and copies of the evidence. As such, copies of such items as photographs, sample results, documentation or other written material that you may have that may be relevant to the investigation and that supports the allegation is to be properly referenced and attached to the application.

**Please note that if the application is forwarded on for further investigation, all of the evidence will have to be released to the Ministry investigators and a receipt for this documentation will be given to the applicants. If any of the evidence was not legally obtained, the investigators must be advised immediately.**

6. If there is a witness(s), please prepare an attachment that provides the following information for each witness:
  - (a) Name and address of the witness.
  - (b) A summary of the evidence that the witness might give.
  - (c) The extent to which this information is available to the applicants.
  - (d) If the evidence of the witness is not available, state the reason why.
7. If you have previously contacted any Ministry or the Environmental Commissioner, please prepare an attachment that provides the following information:
  - (a) The name, address and telephone number of the office contacted. If available, the name and telephone number of the person contacted should be provided.
  - (b) Details of the reason for contacting (a).
  - (c) The outcome of the contact with (a).

After the application has been completed, the applicants must bring the application before a Judge, Justice of the Peace, Commissioner of Oaths, or similar, and have the application sworn or affirmed to before it is forwarded to the Environmental Commissioner. An affidavit form has been provided for your convenience.



**ACTS PRESCRIBED FOR INVESTIGATION  
BY THE ENVIRONMENTAL BILL OF RIGHTS AND  
ONTARIO REGULATION 73/94 FOR AUGUST 15, 1994**

ENERGY EFFICIENCY ACT

ENVIRONMENTAL ASSESSMENT ACT

ENVIRONMENTAL BILL OF RIGHTS

ENVIRONMENTAL PROTECTION ACT

ONTARIO WATER RESOURCES ACT

PESTICIDES ACT

WASTE MANAGEMENT ACT



CANADA  
Province of Ontario

IN THE MATTER OF

TO WIT:

I,  
of the                      of                      in the

SOLEMNLY DECLARE THAT the attached documentation and statements are true to the best of my knowledge.

AND I make this solemn Declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath.

DECLARED before me at the

of                      of                      of  
in the                      of                      of  
this                      day of                      19                      of

A Commissioner, etc.



Dated \_\_\_\_\_ 19 \_\_\_\_\_

IN THE MATTER OF

STATUTORY DECLARATION  
of